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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**



The United States, by and through the undersigned, respectfully moves the Court, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss the Superseding Indictment in the above-captioned matter.

Points and Authorities

On April 1, 1992 and May 27, 1992, a Federal Grand Jury sitting in Las Vegas, Nevada returned an Indictment and a Superseding Indictment, respectively, against James Yang (hereinafter the “Defendant”) and two other individuals. The Superseding Indictment charged the Defendant with violating 18 U.S.C. § 371 Conspiracy; 18 U.S.C. § 1028(a)(3) Fraud and related activity in connection with identification documents; 18 U.S.C. § 1029(a)(2) and (b)(1) Fraud and

1 related activity in connection with access devices; and 18 U.S.C. § 2 Aiding and Abetting.
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3 On June 9, 1992, pursuant to a written plea memorandum filed and accepted by the Court,
4 the Defendant plead guilty to violating 18 U.S.C. § 371. Sentencing was scheduled for December
5 10, 1992, and the Defendant was allowed to remained at liberty until said sentencing. On the date
6 of sentencing the Defendant failed to appear and the Court issued a bench warrant for his arrest
7 (Dkt # 67) which remains outstanding to this day. Due to the age of the case and the problems
8 associated with old cases the government moves to dismiss this case.

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10 Wherefore, the United States respectfully requests the Court to dismiss this case.
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12 Dated this 1st day of December 2011,
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15 Respectfully Submitted,
16 DANIEL G. BOGDEN
17 United States Attorney

18 _____/s/
19 DANIEL R. SCHIESS
20 Assistant United States Attorney

21 IT IS SO ORDERED
22 

23 _____
24 PHILIP M. PRO
25 UNITED STATES DISTRICT JUDGE
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Dated: December 2, 2011.

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA,) CASE NO.: 2:92-cr-00084-PMP-RJJ
Plaintiff,)
vs.)
JAMES YANG, ET AL.,) UNITED STATES' MOTION
Defendant.) TO DISMISS

The undersigned hereby certifies that he is the attorney responsible for this matter and a person of such age and discretion as to be competent to serve papers.

That on December 1, 2011 he served a copy of the attached **UNITED STATES' MOTION TO DISMISS**, via Electronic Case Filing to all parties of record.

/s/
Daniel R. Schiess
Assistant United States Attorney